

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
**DIVISION OF WATER RIGHTS**

**ORDER**

APPLICATION 26299 PERMIT 18325 LICENSE

**ORDER AMENDING THE ORDER ISSUED MAY 18, 1993**

**WHEREAS:**

1. Permit 18325 was issued to Buttes Gas and Oil Company on August 7, 1981 pursuant to Application 26299.
2. Permit 18325 was subsequently assigned to Juliana Vineyards.
3. An order was issued on May 18, 1993 for an extension of time within which to develop the project and apply the water to the proposed use.
4. The order should have contained the special permit conditions set forth in the State Water Resources Control Board letter dated March 3, 1993.

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. Condition 8 of the permit be amended to read:

COMPLETE APPLICATION OF THE  
WATER TO THE PROPOSED USE  
SHALL BE MADE ON OR BEFORE

December 31, 1998

(0000009)

2. Condition 21 be added to this permit as follows:

To enhance wildlife habitat permittee shall continue to implement the July 19, 1991 Revegetation Program. A minimum of 520 trees shall be planted. To be considered successful, each plant must be self-sustaining for at least three years. If mortality causes the number of plants to decline below a target survival rate of 75 percent, new plants shall be planted until the minimum 75 percent sustainable survival rate is attained.

An annual report on the status and success of the revegetation program shall be submitted to the State Water Resources Control Board for the successive three years from the issuance of this order, or until the 75 percent survival rate is attained; whichever is later. After completion of the tree planting program, photo documentation showing the trees and the stream corridor shall be submitted to the Chief of the Division of Water Rights.

(0490500)

3. Condition 22 be added to this permit as follows:

For the passage and protection of wildlife in the area, permittee shall not clear native vegetation, construct fencing, or otherwise disturb the existing drainage of stream channels for a minimum lateral distance of 50 feet from the top of the bank on each side of any blue-line streams denoted on the USGS St. Helena and Aetna Springs 7.5 minute quad maps. This condition shall apply to all vineyard development subsequent to this order.

(0400500)

4. Condition 23 be added to this permit as follows:

No construction shall be commenced, and no water shall be used, under this permit until all necessary Napa County approvals have been obtained for each vineyard stage of development. A copy of the County's approval, and any erosion control or vegetation preservation plans shall be submitted to the Chief of the Division of Water Rights. (0400300)

Dated: **SEPTEMBER 13 1993**

ORIGINAL SIGNED  
BY ROGER JOHNSON

*fn*  
Edward C. Anton, Chief  
Division of Water Rights

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 18325

Application 26299 of BUTTES GAS AND OIL COMPANY

1221 BROADWAY, OAKLAND, CALIFORNIA 94612

filed on APRIL 16, 1980, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

3 UNNAMED STREAMS

Tributary to:

POPE CREEK THENCE

PUTAH CREEK THENCE

YOLO BY-PASS

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridan
<u>SEE ADDENDUM</u>					

County of NAPA

3. Purpose of use:	4. Place of use:	Section	Town- ship	Range	Base and Meridan	Acres
<u>RECREATIONAL</u>	<u>DICK WEEK RESERVOIR IN SW1/4</u>	<u>3</u>	<u>9N</u>	<u>5W</u>	<u>MD</u>	
	<u>E1/2 OF NE1/4</u>	<u>9</u>	<u>9N</u>	<u>5W</u>	<u>MD</u>	
	<u>NW1/4</u>	<u>10</u>	<u>9N</u>	<u>5W</u>	<u>MD</u>	
<u>HEAT PROTECTION</u>						
<u>FROST PROTECTION</u>						
<u>IRRIGATION</u>	<u>A NET AREA OF 2000 ACRES WITHIN A GROSS AREA OF 4500 ACRES WITHIN SECTIONS 2-5, 7-11, 15-18, 20-22, 27 &amp; 28 SECTIONS 33-35</u>		<u>9N 10N</u>	<u>5W 5W</u>	<u>MD MD</u>	

The place of use is shown on map filed with the State Water Resources Control Board.

**2. Location of point of diversion:**

[illegible]

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed A TOTAL OF 320 ACRE-FEET PER ANNUM TO BE COLLECTED FROM NOVEMBER 1 OF EACH YEAR TO APRIL 30 OF THE SUCCEEDING YEAR AS FOLLOWS: (1) 24 ACRE-FEET PER ANNUM IN GRANARY RESERVOIR, (2) 296 ACRE-FEET PER ANNUM IN DICK WEEK RESERVOIR.

THIS PERMIT DOES NOT AUTHORIZE COLLECTION OF WATER TO STORAGE OUTSIDE OF THE SPECIFIED SEASON TO OFFSET EVAPORATION AND SEEPAGE LOSSES OR FOR ANY OTHER PURPOSE.

THE MAXIMUM RATE OF DIVERSION TO OFFSTREAM STORAGE SHALL NOT EXCEED 200 CUBIC FEET PER SECOND.

6. The amount authorized for appropriation may be reduced in the license if investigation warrants.

~~7. Actual construction work shall begin on or before two years from date of permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked.~~

7. Construction work shall be completed on or before DECEMBER 1, 1984.

8. Complete application of the water to the proposed use shall be made on or before DECEMBER 1, 1985.

9. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued.

10. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit.

11. Pursuant to California Water Code Sections 100 and 275, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

12. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

13. THE STATE WATER RESOURCES CONTROL BOARD RESERVES JURISDICTION OVER THIS PERMIT TO IMPOSE ANY APPROPRIATE CONDITIONS AT SOME FUTURE DATE TO CONFORM THE PERMIT TO BOARD POLICY ON USE OF WATER FOR FROST PROTECTION. ACTION BY THE BOARD WILL BE TAKEN ONLY AFTER NOTICE TO INTERESTED PARTIES AND OPPORTUNITY FOR HEARING.

14. THE STATE WATER RESOURCES CONTROL BOARD, UNDER ITS AUTHORITY TO CONSERVE THE PUBLIC INTEREST, RETAINS CONTINUING AUTHORITY OVER THIS PERMIT TO REQUIRE PERMITTEE TO DEVELOP AND IMPLEMENT A WATER CONSERVATION PROGRAM, AFTER NOTICE AND OPPORTUNITY FOR HEARING. THE REQUIREMENTS OF THIS TERM MAY BE SATISFIED BY PERMITTEE'S COMPLIANCE WITH ANY COMPREHENSIVE WATER CONSERVATION PROGRAM, APPROVED BY THE STATE WATER RESOURCES CONTROL BOARD, WHICH MAY BE IMPOSED BY A PUBLIC AGENCY.

15. PERMITTEE SHALL INSTALL AND MAINTAIN OUTLET PIPES OF ADEQUATE CAPACITY IN HIS DAMS AS NEAR AS PRACTICABLE TO THE BOTTOM OF THE NATURAL STREAM CHANNEL, OR PROVIDE OTHER MEANS SATISFACTORY TO THE STATE WATER RESOURCES CONTROL BOARD, IN ORDER THAT WATER ENTERING THE RESERVOIRS WHICH IS NOT AUTHORIZED FOR APPROPRIATION UNDER THIS PERMIT MAY BE RELEASED.

16. ENLARGEMENT OF THE STORAGE DAM SHALL NOT BE COMMENCED UNTIL THE DEPARTMENT OF WATER RESOURCES HAS APPROVED PLANS AND SPECIFICATIONS.

17. IN ACCORDANCE WITH THE REQUIREMENTS OF WATER CODE SECTION 1393, PERMITTEE SHALL CLEAR THE AREA COVERED BY THE PROPOSED RESERVOIR ENLARGEMENT OF ALL STRUCTURES, TREES AND OTHER VEGETATION WHICH WOULD INTERFERE WITH THE USE OF THE RESERVOIR FOR WATER STORAGE AND RECREATIONAL PURPOSES.

18. PERMITTEE IS HEREBY PUT ON NOTICE THAT THERE MAY BE YEARS WHEN WATER COLLECTED TO STORAGE UNDER THIS PERMIT WILL NOT BE WITHIN THE RESERVATION OF WATER ESTABLISHED FOR THE WATERSHED UPSTREAM FROM LAKE BERRYESSA IN DECISION D 869. DURING SUCH YEARS, UNLESS REPLACEMENT WATER IS PROVIDED ON AN EXCHANGE BASIS, PERMITTEE SHALL RELEASE WATER COLLECTED TO STORAGE UNDER THIS PERMIT DURING THE PRECEDING COLLECTION SEASON AT THE MAXIMUM PRACTICAL RATE TO FLOW INTO LAKE BERRYESSA.

19. THE TOTAL QUANTITY OF WATER DIVERTED UNDER THIS PERMIT, TOGETHER WITH THAT DIVERTED UNDER LICENSES AND PERMITS ISSUED PURSUANT TO APPLICATIONS 11236, 14024, 15164, 16267, 20060, 20061, 24045 AND 25432, SHALL NOT EXCEED 3584 ACRE-Feet PER ANNUM.

20. THE PERMITTEE SHALL IMPLEMENT THE ARCHEOLOGICAL MITIGATION MEASURES DESCRIBED IN THE FINAL ENVIRONMENTAL IMPACT REPORT "BUTTES FARMLAND DEVELOPMENT COMPANY TIMBER HARVEST AND WATERCOURSE OBSTRUCTION/RIPARIAN COVER PERMIT APPLICATIONS COUNTY OF NAPA, CALIFORNIA".

**This permit is issued and permittee takes it subject to the following provisions of the Water Code:**

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: AUGUST 7 1981

STATE WATER RESOURCES CONTROL BOARD

*Raymond Walsh*

Chief, Division of Water Rights